

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

This matter is before the Court on referral from the United States Court of Appeals for the Ninth Circuit for the limited purpose of determining whether *in forma pauperis* status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.

21 This case came to the Court on Plaintiff's claims alleging discrimination based on a disability  
22 and interference with enjoyment of a dwelling under the Fair Housing Act ("FHA"). However,  
23 nowhere in the complaint does Plaintiff disclose or allege facts which could be construed as evidence  
24 of discrimination under the FHA nor has Plaintiff established a disability under the FHA or even  
25 disclosed the nature of his alleged disability. In fact, Plaintiff was evicted in Justice Court  
26 proceedings for failure to pay rent. He asserted the same claims he now makes in this action as a defense to the eviction. The Court has found that the Justice Court Judgment acts as a valid judgment

1 for purposes of *res judicata*. Furthermore, Plaintiff was sanctioned because on four previous  
2 occasions, courts, including the present one, had dismissed Plaintiff's fair housing claims as  
3 inadequate, yet he still continued to file inadequate complaints.

4 Accordingly, Plaintiff should not be permitted to proceed *in forma pauperis* where, as here,  
5 he has failed to allege valid claims under the FHA, his claims are barred by principles of *res*  
6 *judicata*, and he was appropriately sanctioned for continuing to bring claims that he knew were  
7 inadequate. The Court finds that the appeal is frivolous and not taken in good faith. 28 U.S.C.  
8 §1915(a)(3).

9 Accordingly, IT IS HEREBY ORDERED that Plaintiff's *in forma pauperis* status is  
10 **REVOKED.**

11 DATED this 27<sup>th</sup> day of April 2012.

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Kent J. Dawson  
United States District Judge